

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

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BENJAMIN FONKEM,

Plaintiff

CIVIL ACTION NO.:  
04-10754-EFH

v.

DEAN O'MALLEY, ET AL.,

Defendants.

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**ORDER OF DISMISSAL**

November 16, 2006

HARRINGTON, S.D.J.

After a hearing, the Court rules that it shall dismiss this case on December 18, 2006 unless prior thereto the Plaintiff Fonkem, who has failed to prosecute his case, executes a release in accordance with his oral agreement to settle the case.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge